



Order Filed on February 24, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

Ronald I. LeVine, Esq.
210 River Street, Suite 11
Hackensack, New Jersey 07601
Attorney for Debtor

In Re:

CARMEN SARO

Case No.: 16-28615 VFP

Chapter: 13

Judge: Hon. Papalia

ORDER FINDING THAT BANK OF NEW YORK'S MORTGAGE PAYMENT CHANGE NOTICE IS DEFECTIVE AND THEREFORE NOT ENFORCEABLE AND SANCTIONING BAYVIEW LOAN SERVICING, LLC FOR IT'S IMPROPER FILING

The relief set forth on the following pages, numbered two (2) through three (3) is hereby **ORDERED**.

DATED: February 24, 2020



Honorable Vincent F. Papalia
United States Bankruptcy Judge

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Debtor: CARMEN SARO

Case No. 16-28615 VFP

Caption of Order: ORDER DENYING FILING OF THE MORTGAGE PAYMENT CHANGE NOTICE AND SANCTIONING BAYVIEW LOAN SERVICING, LLC FOR FILING A DEFECTIVE NOTICE

THIS MATTER being opened to the Court by Ronald I. LeVine, Esq., attorney for debtor herein, upon notice to the Bank of New York Mellon (hereinafter "MELLON BANK") through its attorney Shapiro & DeNardo, LLC; The Bank of New York Mellon FKA The Bank of New York, as Trustee for the Certificateholders of the CWMBS, Inc., CHL Mortgage Pass-Through Trust 2007-17, Mortgage Pass-Through Certificates, Series 2007-17 and to Marie-Ann Greenberg, Chapter 13 Standing Trustee for entry of an Order finding that the Notice of Mortgage Payment Change filed on December 11, 2019 is defective and unenforceable, and the Court having reviewed the Motion and any evidence presented at the hearing on the Motion (the "Hearing") and having heard statements of counsel in support thereof; and it appearing that the above parties having been given notice of the Motion; and good and sufficient cause having been shown for entry of the within Order;

ACCORDINGLY, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. MELLON'S Notice of Mortgage Payment Change is found to be defective as there is no proper explanation of the significant monthly increase of payment from a change in the escrow payment from \$1,564.99 to \$2,115.29.
2. Until a proper Notice of Mortgage payment change is filed, the debtor shall not be under any enforceable obligation to increase its monthly escrow payment to Mellon.

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Debtor: CARMEN SARO

Case No. 16-28615 VFP

Caption of Order: ORDER ENFORCING LOAN MODIFICATION AND SANCTIONING
BAYVIEW LOAN SERVICING, LLC FOR FAILURE TO COMPLY WITH COURT ORDER

3. Debtor is hereby awarded the reasonable counsel fees and expenses incurred in connection with this Motion. Debtor's counsel shall file and serve an Affidavit of such fees and expenses within Thirty (30) days of the entry of this Order. Secured Creditor shall have fifteen (15) days to object, in default of which all the fees and expenses sought may be awarded. If an objection is timely filed, the Court may conduct a hearing to resolve the Objection or may rule on the papers.

Certificate of Notice Page 4 of 4

United States Bankruptcy Court
District of New JerseyIn re:
Carmen Saro
DebtorCase No. 16-28615-VFP
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin
Form ID: pdf903Page 1 of 1
Total Noticed: 1

Date Rcvd: Feb 24, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 26, 2020.

db +Carmen Saro, 597 Harristown Road, Glen Rock, NJ 07452-2313

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Feb 26, 2020

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 24, 2020 at the address(es) listed below:

Charles G. Wohlrab on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE (CWMB 2007-17) cwohrlab@LOGS.com, njbankruptcynotifications@logs.com

Charles G. Wohlrab on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWMB INC., CHL MORTGAGE PASS-THROUGH TRUST 2007-17, MORTGAGE PASS THROUGH CERTIFICATES, SERIES 2007- cwohrlab@LOGS.com, njbankruptcynotifications@logs.com

Denise E. Carlon on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWMB INC., CHL MORTGAGE PASS-THROUGH TRUST 2007-17, MORTGAGE PASS THROUGH CERTIFICATES, SERIES 2007- dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com

Jeffrey Rappaport on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE (CWMB 2007-17) jrappaport@logs.com, njbankruptcynotifications@logs.com

Jenelle C Arnold on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWMB INC., CHL MORTGAGE PASS-THROUGH TRUST 2007-17, MORTGAGE PASS THROUGH CERTIFICATES, SERIES 2007- bkecfinbox@aldridgepite.com, jarnold@ecf.courtdrive.com

Marie-Ann Greenberg magecf@magtrustee.com

Robert Wachtel on behalf of Debtor Carmen Saro rwachtel@ronlevinelaw.com, irr72645@notify.bestcase.com

Ronald I. LeVine on behalf of Debtor Carmen Saro ronlevinelawfirm@gmail.com, irr72645@notify.bestcase.com

TOTAL: 8